

PART 1

COMMENCEMENT AND INTERPRETATION

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1.1 CITATION, COMMENCEMENT AND TRANSITIONAL

- (a) These Regulations shall be cited as the Civil Aviation Regulations and shall enter into force on March 2001.
- (b) Any instrument of authorization (being a licence, permission, certificate, permit, document of authorization or circular) issued, published or granted by the Director or his predecessors in that the equivalent of his office shall take effect as if issued, published or granted under these Regulations and shall otherwise be subject to these Regulations.

1.2 INTERPRETATION

In these Regulations, unless the context otherwise requires:-

“Aerial work” means any purpose (other than public transport) for which an aircraft is flown if reward is given or promised in respect of the flight or the purpose of the flight;

“Aerial work aircraft” means an aircraft (other than a public transport aircraft) flying, or intended by the operator to fly, for the purpose of aerial work;

“Aerial work undertaking” means an undertaking whose business includes the performance of aerial work;

“Aerodrome” means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft and includes any area of space, whether on the ground, on the roof of a building or elsewhere, which is designed, equipped or set apart for affording facilities for the landing and departure of aircraft capable of descending or climbing vertically, and in particular, within the Republic means any such area which has been licensed or authorized for use as such in pursuance of the provisions of Part 13 of these Regulations;

“Aerodrome control service” means an air traffic control service for aerodrome traffic;

“Aerodrome operating minima” in relation to the operation of an aircraft at an aerodrome means the cloud ceiling and runway visual range for take-off, and the decision height or minimum descent height, runway visual range and visual reference for landing, which are the minimum for the operation of that aircraft at that aerodrome;

“Aerodrome traffic” means all traffic on the manoeuvring area of an aerodrome and all aircraft flying in the vicinity of an aerodrome;

“Aeronautical beacon” means an aeronautical ground light which is visible either continuously or intermittently to designate a particular point on the surface of the earth;

“Aeronautical ground light” means any light specifically provided as an aid to air navigation, other than a light displayed on an aircraft;

“Aeronautical radio station” means a radio station on the surface, which transmits or receives signals for the purpose of assisting aircraft;

“Aircraft” (Refer Personnel Licensing Manual)

“Airport” means an aerodrome with facilities for the arrival and departure of passengers or for the handling of air cargo;

“Air traffic control clearance” or “air traffic service clearance” has the meaning assigned to it in Regulation 12.5(e);

“Air traffic control instruction” or “Air traffic service instruction” has the meaning assigned to it in Regulation 12.5(e);

“Air traffic control unit” or “Air traffic service unit” means a unit to give instructions or advice or both instructions and advice by means of radio or other signals to aircraft in the interests of safety;

“Air Traffic Service” means the service established under the provisions of Division 1 of Part 12 of these Regulations;

“Air Traffic Service Route” or “ATS route” means a route which has been notified as such for channelling the flow of traffic as is necessary for the provision of air traffic services;

“Air transport undertaking” means an undertaking whose business includes the carriage by air of passengers or cargo for reward;

“Apron” means the part of a land aerodrome provided for the accommodation of aircraft for purposes of loading or unloading passengers, mail or cargo, refuelling, parking or maintenance;

“Approach to landing” means that portion of the flight of the aircraft, when approaching to land, in which it is descending below a height of 1000 ft above the relevant specified decision height or minimum descent height;

“Appropriate aeronautical radio station” means in relation to an aircraft an aeronautical radio station serving the area in which the aircraft is for the time being;

“Appropriate air traffic control unit” or “Appropriate air traffic services unit” means in relation to an aircraft the air traffic control or air traffic service unit serving the area in which the aircraft is for the time being;

“Approved” means approved by the Director;

“Authorized person” means a person appointed by the Director in pursuance of Regulation 3.3;

“Cabin attendant” in relation to an aircraft means a person on a flight for the purpose of public transport carried for the purpose of performing in the interests of the safety of passengers duties to be assigned by the operator or the pilot in command of the aircraft but who shall not act as a member of the flight crew;

“Captive balloon” means a balloon which when in flight is attached by a restraining device to the surface;

“Cargo” includes mail and animals;

“Certificate of airworthiness” includes any validation thereof and any flight manual, performance schedule or other document, whatever its title, incorporated by reference in that certificate relating to the certificate of airworthiness;

“Certificate of maintenance review” and “certificate of release to service” have the meanings respectively assigned to them by Regulations 6.1 and 6.10;

“Chicago Convention” means the Convention on International Civil Aviation concluded at Chicago on 7 December, 1944 and includes any amendment thereto made in pursuance of the provisions thereof;

“Competent authority” means in relation to the Maldives the Director, and in relation to any other country the authority responsible under the law of that country for promoting the safety of civil aviation;

“Congested area” in relation to a city, town or settlement, means any area which is substantially used for residential, industrial, commercial or recreational purposes;

“Contracting State” means any country (including the Maldives) which is a party to the Chicago Convention;

“Control area” means an airspace designated as a control area in pursuance of Regulation 12.4;

“Control zone” means an airspace designated as a control zone in pursuance of Regulation 12.4;

“Controlled aerodrome” means an aerodrome designated as a controlled aerodrome in pursuance of Regulation 12.4;

“Controlled airspace” means a control area or a control zone;

“Co-pilot” in relation to an aircraft means a pilot who in performing his duties as such is subject to the direction of another pilot carried in the aircraft;

“Country” includes a territory;

“Crew” means a member of the flight crew, a person carried on the flight deck who is appointed by the operator of the aircraft to give or to supervise the training, experience, practice and period i.e. periodical tests required in respect of the flight crew or a cabin attendant;

“Danger Area” shall mean airspace which has been notified as such within which activity dangerous to the flight of aircraft may take place or exist at such times as may be notified;

“Decision height” in relation to the operation of an aircraft at an aerodrome means the height in a precision approach at which a missed approach must be initiated if the required visual reference to continue that approach has not been established;

“Department” means the government agency responsible for Civil Aviation in the Maldives.

“Director” means the Director in charge of the department.

“Duty Time” means any time in which a pilot is expected to perform duties in connection with his or her employment. In the case of flying duties, it includes the period commencing one hour before the first scheduled take off of the day and ending thirty minutes after the last scheduled landing, whichever is the later.

In the case of duty periods which do not include flight time including meetings training courses and management duties duty time begins and ends at the actual time a pilot is required to begin and end that duty period.

“Flight” and “to fly” have the meanings respectively assigned to them by Regulation 1.2.1

“Flight crew” in relation to an aircraft means those members of the crew of the aircraft who respectively undertake to act as pilot, flight navigator, flight engineer and flight radio operator of aircraft;

“Flight level” means one of a series of levels of equal atmospheric pressure, separated by notified intervals and each expressed as the number of hundreds of feet which would be indicated at the level on a pressure altimeter calibrated in accordance with the International Standard Atmosphere and set to 1013.2 millibars;

“Flight recording system” means a system comprising either a flight data recorder or a cockpit voice recorder or both;

— “Flight simulator” (Refer Personnel Licensing Manual)

— "Flight time" (Refer Personnel Licensing Manual)

If the pilot is away from home base, the rest period must include access to adequate accommodation and meals.

“Flight visibility” means the visibility forward from the flight deck of an aircraft in flight;

“Foreign aircraft” means an aircraft registered elsewhere than in the Maldives;

“Free Balloon” means a balloon which when in flight is not attached by any form of restraint device to the surface;

“Instrument Flight Rules” or I. F. R. means the Instrument Flight Rules specified in Part 11;

“Instrument Meteorological Conditions” or “I. M. C.” means weather precluding flight in accordance with Visual Flight Rules;

“To land” in relation to aircraft includes alighting on water;

“Licence” includes any certificate of competency or certificate of validity issued with the licence or required to be held in connection with the licence by the law of the country in which the licence is granted;

“Lifejacket” includes any device designed to support a person individually in or on the water;

“Log book” in the case of an aircraft log book, engine log book or variable pitch propeller log book, or personal flying log book, includes a record kept either in a book, or by any other means approved by the Director in the particular case;

“Maldivian aircraft” means an aircraft registered under these Regulations;

“Maldivian aviation document” means any licence, permit, certificate, authorization or other document issued or granted by the Director under these Regulations;

“Manoeuvring area” means that part of an aerodrome to be used for the take off and landing of aircraft and for the surface movement of aircraft associated with take off and landing but excluding aprons;

“Maximum total weight authorised” in relation to an aircraft means the maximum total weight of the aircraft and its contents at which the aircraft may take off anywhere in the world, in the most favourable circumstances in accordance with the certificate of airworthiness in force in respect of the aircraft;

“Minimum descent height” in relation to the operation of an aircraft at an aerodrome means the height in a non- precision approach below which descent may not be made without the required visual reference;

“Movement area” means that part of an aerodrome to be used for take off and landing of aircraft and for the surface movement of aircraft;

— “Nautical mile” means the International Nautical Mile, that is to say, a distance of 1852 metres;

“Night” (Refer Personnel Licensing Manual)

Note: Civil twilight ends in the evening when the centre of the sun's disc is 6 degrees below the horizontal begins in the morning when centre of the sun's disc is 6 degrees below the horizon.

“Non-precision approach” means an instrument approach using non-visual aids for guidance in azimuth or elevation but which is not a precision approach;

“Notified” means set forth in any document published or issued by the Department;

“Operator” has the meaning assigned to it by regulation 1.2.2;

“Operations manual” means the operations manual referred to in Part 15;

“Parascending parachute” means a parachute which is towed by cable in such a manner as to cause it to ascend;

“Passenger” means a person other than a member of the crew;

“Pilot in command” (Refer Personnel Licensing Manual)

“Precision approach” means an instrument approach using Instrument Landing System, Microwave Landing System or Precision Approach Radar for guidance in both azimuth and elevation;

“Pressurised aircraft” means an aircraft provided with means of maintaining in any compartment a pressure greater than that of the surrounding atmosphere;

“Private flight” means a flight which is neither for the purpose of aerial work nor public transport;

“Prohibited area” means an airspace of specified dimensions above the Maldives notified as an area within which the flight of aircraft is prohibited;

“Public transport” has the meaning assigned to it by Regulation 1.2.3;

“Public transport aircraft” means an aircraft flying, or intended by the operator of the aircraft to fly for the purpose of public transport;

“Replacement” in relation to any part of an aircraft or its equipment includes the removal and replacement of that part whether or not by the same part, and whether or not any work is done on it, but does not include the removal and replacement of a part which is designed to be removable solely for the purpose of enabling another part to be inspected, repaired, removed or replaced or cargo to be loaded;

“Rest Period” means that period between the end of one duty period and the commencement of the next duty period.

“Restricted area” means an airspace of specified dimensions above Maldives notified as airspace within which the flight of aircraft is restricted in accordance with conditions so notified;

“Reward” includes hire;

“Runway” means a prepared area at a land aerodrome provided for the landing and take off of aircraft;

“Runway visual range” in relation to a runway means the distance in the direction of take-off or landing over which the runway lights or surface markings may be seen from the touchdown zone as calculated by either human observation or instruments in the vicinity of the touchdown zone or where this is not reasonably practicable in the vicinity of the midpoint of the runway; and the distance, if any, communicated to the pilot in command of an aircraft by or on behalf of the person in charge of the aerodrome as being the runway

visual range shall be taken to be the runway visual range for the time being;

“The Convention” means the Chicago Convention;

“The Council” means the Council of the International Civil Aviation Organization established under the Chicago Convention;

“The Republic” means the Republic of Maldives and includes the lands and seas of the Republic and airspace above those lands and seas;

“Visual Flight Rules” or V.F.R. means Visual Flight Rules specified in Part 11;

“Visual Meteorological Conditions” or V.M.C. means weather permitting flight in accordance with Visual Flight Rules;

1.2.1 FLIGHT AND TO FLY

In these Regulations, an aircraft shall be deemed to be in flight:-

- (1) For the purposes of this Division a helicopter shall be deemed to be in flight from the moment the helicopter first moves under its own power for the purpose of taking off until the rotors are next stopped.
- (2) in the case of a flying machine from the moment when, after the embarkation of its crew for the purpose of taking off, it first moves under its own power, until the moment when it next comes to rest after landing;
- (3) in the case of a pilotless flying machine, or a glider, from the moment when it first moves for the purpose of taking off until the moment when it next comes to rest after landing;
- (4) in the case of an airship, from the moment when it first becomes detached from the surface until the moment when it next becomes attached thereto or comes to rest thereon;
- (5) in the case of a free balloon, from the moment when the balloon, including the canopy and basket, becomes separated from the surface until the moment it next comes to rest thereon;
- (6) in the case of a captive balloon, from the moment when the balloon, including the canopy and basket, becomes separated from the surface apart from a restraining device attaching it to the surface, until the moment when it next comes to rest thereon;

and the expressions “a flight” and “to fly” shall be construed accordingly.

1.2.2 OPERATOR OF AN AIRCRAFT

- (a) In these Regulations, the operator of an aircraft is in relation to a particular aircraft the person who at the relevant time has the management of the aircraft and cognate expressions shall be construed accordingly.
- (b) For the purposes of the application of Parts 5, 6, 7 and 8 of these Regulations, when under an agreement for the lease, hire or loan of an aircraft a person other than an air transport undertaking or an aerial work undertaking has the management of that aircraft for a period not exceeding 14 days, the provisions of paragraph (a) shall have effect as if the agreement had not been entered into.

1.2.3 FLIGHT FOR THE PURPOSE OF PUBLIC TRANSPORT

- (a) An aircraft in flight shall for the purposes of these Regulations be deemed to fly for the purposes

of public transport:-

- (1) if reward is given or promised for the carriage of passengers or cargo in the aircraft on that flight; or
- (2) if any passengers or cargo are carried gratuitously in the aircraft on that flight by an air transport undertaking, not being persons in the employment of the undertaking (including, in the case of a corporate body, its directors and, in the case of the Department, the officers of the Department) persons with the authority of the Director either making any inspection or witnessing any training, practice or test for the purposes of these Regulations or cargo intended to be used by any such passengers as aforesaid, or by the undertaking; or
- (3) for the purposes of Parts 5, 6, 7 and 8 (other than Regulation 7.1 or 7.7), if reward is given or promised for the primary purpose of conferring on a particular person the right to fly the aircraft on that flight (not being a single-seat aircraft of which the maximum weight authorised does not exceed 910 kg) otherwise than under a hire-purchase or conditional sale agreement:

Provided that, notwithstanding that an aircraft may be flying for the purpose of public transport by reason of sub-paragraph (a)(3), it shall not be deemed to be flying for the purpose of the public transport of passengers unless reward is given for the carriage of those passengers:

And provided further that notwithstanding the giving or promising of reward specified in sub-paragraph (a) (3) in respect of a flight it shall:-

- (aa) subject to sub-paragraph (bb) below, for all purposes other than Parts 5, 6, 7 and 8 and
- (bb) for the purposes of Regulations 7.1 and 7.7

be deemed to be a private flight.

- (b) Where under a transaction effected by or on behalf of a member of an association of persons on the one hand and the association of persons or any member thereof on the other hand, a person is carried in, or is given the right to fly, an aircraft in such circumstances that reward would be given or promised if the transaction were effected otherwise than aforesaid, reward shall, for the purposes of these Regulations be deemed to have been given or promised, notwithstanding any rule of law as to such transactions.

1.2.4 RULES OF CONSTRUCTION

- (a) In these Regulations unless the context otherwise requires:-
 - (1) the masculine gender imports the feminine gender;
 - (2) words used in the singular import the plural and words used in the plural import the singular;
 - (3) references to "by the regulations" or "under these Regulations" are references to "by or under these Regulations"
- (b) These Regulations may contain references to Maldives Civil Aviation Regulations (MCARs) and such regulations (MCARs) shall take effect as if issued or published under these Regulations.

SCHEDULE 1.2

TABLE OF GENERAL CLASSIFICATION OF AIRCRAFT

